

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**OPERATING ENGINEERS LOCAL 324
FRINGE BENEFIT FUNDS and TRUSTEES
OF THE OPERATING ENGINEERS LOCAL
324 FRINGE BENEFIT FUNDS,**

**Case No. 99-76062
Hon. John Feikens
Mag. Judge Morgan**

Plaintiffs,

v.

**DIAMOND DISMANTLING, INC., and
GERALD A. FODALE,**

Defendants.

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**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

The Court having reviewed the Magistrate Judge's Report and Recommendation,
filed 5/27/2009, and noted no objections were filed by either part,

IT IS ORDERED that the Report is adopted and an evidentiary hearing will be
held by Magistrate Judge Virginia Morgan to determine the facts bearing on the validity
of the consent judgment purporting to establish personal liability.

s/John Feikens
John Feikens
United States District Judge

Dated: June 23, 2009

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on June 23, 2009.

s/Carol Cohron

Deputy Clerk